

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE APPROVING AND ADOPTING THE AMENDED  
AND RESTATED REDEVELOPMENT PLAN FOR THE CENTRAL  
CORE REDEVELOPMENT PROJECT, AND MAKING CERTAIN  
FINDINGS PURSUANT TO THE COMMUNITY  
REDEVELOPMENT LAW OF THE STATE OF CALIFORNIA**

WHEREAS, the City Council of the City of Sunnyvale has adopted the Central Core Redevelopment Plan by Ordinance No. 1796-75, adopted on November 26, 1975, as amended by Ordinance No. 2200-87, adopted on January 6, 1987, as amended by Ordinance No. 2448-93, adopted on October 5, 1993, as amended by Ordinance No. 2493-94, adopted on December 20, 1994, as amended by Ordinance No. 2742-04, adopted on January 13, 2004, as amended by Ordinance No. 2777-05, adopted on March 22, 2005, and as further amended by Ordinance No. 2792-05, adopted on September 27, 2005 (as amended, the "Redevelopment Plan") establishing the Central Core Redevelopment Project Area (the "Project Area"); and

WHEREAS, this Ordinance amends the Redevelopment Plan for the Central Core Redevelopment Project to increase the limit on the total amount of tax increment that the Agency may receive over the term of the Redevelopment Plan; and

WHEREAS, the Agency has prepared and submitted to the City Council for review and adoption a proposed Amended and Restated Redevelopment Plan for the Central Core Redevelopment Project (the "Amended Plan"), a copy of which is on file with the City Clerk of the City of Sunnyvale that would increase the limit on the total amount of tax increment that the Agency may receive over the term of the Redevelopment Plan; and

WHEREAS, the Agency has made studies of the impact of the proposed Amended Plan and has determined that the proposed amendment will promote the proper redevelopment of the Project Area in accordance with the goals, objectives, and policies of the City of Sunnyvale's General Plan, the Downtown Specific Plan, and Zoning Code, as well as the Redevelopment Plan, and the Redevelopment Law; and

WHEREAS, the Agency has prepared and submitted, and the City Council has reviewed and considered, a written report on the proposed amendment (the "Report to City Council") pursuant to Health and Safety Code Section 33457.1, a copy of which is on file with the City Clerk; and

WHEREAS, the City has previously prepared a Program Environmental Impact Report (the "Program EIR") pursuant to the California Environmental Quality Act ("CEQA") to consider and analyze the environmental impacts related to adoption of amendments to the General Plan, the Downtown Specific Plan and the Zoning Code, as well as the Amended Plan (collectively, the "Project"). The Program EIR was certified by the Council at its June 17, 2003, meeting (Resolution No. 123-03), where Council found that it presented an adequate assessment of the environmental impacts of the Project, and adopted a statement of overriding considerations, and adopted a mitigation monitoring program; and

WHEREAS, the City has previously prepared an Addendum to the Program EIR, dated June 25, 2004, to assist in the City's review of the Town Center Mall portion of the Project (the "Addendum"). The Addendum found there was no need to prepare an subsequent environmental impact report under CEQA Guideline Sections 15162 and 15168; and

WHEREAS, pursuant to Public Resources Code Section 21166 and CEQA Guideline Sections 15162 and 15168, no additional environmental review is required for consideration of the Amended Plan because:

- There are no substantial changes in the Project, or with respect to the circumstances of the Project, involving new significant environmental effects or substantially increasing the severity of previously identified effects; and
- No new information has become available, which was not known and could not have been known at the time of the Program EIR and Addendum, showing one or more of the following: (a) one or more significant effects of the Project not discussed in the Program EIR and Addendum; (b) previously identified environmental effects will be substantially more severe than shown in the Program EIR and Addendum; (c) mitigation measures or alternatives previously found to be infeasible in the Program EIR and Addendum would in fact now be feasible; or (d) new mitigation measures or alternatives not considered in the Program EIR and Addendum would substantially reduce one or more significant effects on the environment; and

WHEREAS, the Planning Commission, which is the duly designated and acting official planning body of the City of Sunnyvale, has submitted to the City Council its report and recommendation dated October 10, 2005, recommending approval and adoption of the Amended Plan; and

WHEREAS, on October 25, 2005, the City Council and the Agency conducted a joint public hearing which was duly noticed in accordance with the requirements of the Redevelopment Law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. In accordance with California Health and Safety Code Sections 33367 and 33457.1, and based upon the evidence contained in the Report to City Council and on the evidence presented at the joint public hearing, the Council finds and determines with respect to the Amended Plan that:

(a) Pursuant to Section 33354.6 of the Redevelopment Law, significant blight remains within the Project Area and the remaining blight in the Project Area cannot be eliminated without the increase in the limitation on the number of dollars to be allocated from the Project Area to the Agency (see particularly Chapters I, II, III and IV of the Report to Council regarding evidence with respect to this finding).

(b) The time limitations and the limitation on the number of dollars to be allocated to the Agency from the Project Area as set forth in the Amended Plan are reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the

Agency to eliminate blight within the Project Area (see particularly Chapters I, II, III and IV of the Report to Council regarding evidence with respect to this finding).

(c) The continued elimination of blight and continued redevelopment of the Project Area could not be reasonably expected to be accomplished by private enterprise acting alone without aid or assistance of the Agency (see particularly Chapters I, II, III and IV of the Report to Council regarding evidence with respect to this finding).

(d) The Amended Plan would redevelop the Project Area in conformity with the Redevelopment Law and would be in the interest of the public peace, health, safety, and welfare; and the implementation of the Amended Plan would promote the public peace, health, safety and welfare of the City of Sunnyvale, and would effectuate the purposes and policy of the Redevelopment Law (see particularly Chapters I, II, III and V of the Report to Council regarding evidence with respect to this finding).

(e) The adoption and implementation of the Amended Plan are economically sound and feasible (see particularly Chapter IV of the Report to Council regarding evidence with respect to this finding).

(f) The Amended Plan is consistent with the General Plan of the City, including but not limited to the Housing Element of the General Plan (see particularly Chapter VII of the Report to Council regarding evidence with respect to this finding).

(g) The condemnation of real property, if any, is necessary to the execution of the Amended Plan and adequate provisions have been made for payment for property to be acquired as provided by laws (see particularly Chapter VI of the Report to Council and Part VI.B of the Amended Plan regarding evidence with respect to this finding).

(h) The Agency has a feasible method or plan for the relocation of families and persons which may be displaced from the Project Area if the Amended Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area (see particularly Chapter VI of the Report to Council and Part VI.F of the Redevelopment Plan regarding evidence with respect to this finding).

(i) There are, or shall be provided, in the Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who may be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of, and available to, such displaced families and persons and reasonably accessible to their places of employment. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Redevelopment Law. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5 of the Redevelopment Law (see particularly Chapter VI of the Report to Council and Part VI.F of the Amended Plan regarding evidence with respect to this finding).

(j) The City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area, if any, are displaced and that, pending the development of such facilities, there will be available to such displaced

occupants housing facilities at rents comparable to those in the community at the time of their displacement (see particularly Chapter VI of the Report to Council and Part VI.F of the Amended Plan regarding evidence with respect to this finding).

(k) The matters set forth in Health and Safety Code Section 33367(d)(9), (d)(10) and d(12) are not applicable to or affected by the Amended Plan, and consequently no further findings with respect to such matters are required (see particularly Chapters I and II of the Report to Council regarding evidence with respect to this finding).

(l) The Amended Plan is a component of and is consistent with the Project analyzed in the Program EIR and Addendum, that no new information has become available and that no changes have been proposed to the Project which would warrant additional environmental review, and that the Amended Plan is subject to the Mitigation Monitoring Program adopted by the Council for the Program EIR.

SECTION 2. CONTINUING PURPOSE AND INTENT. It is the continuing purpose and intent of the City Council that the Amended Plan be implemented in order to continue to:

- a) Eliminate the conditions of blight;
- b) Ensure, as far as possible, that the causes of the blighting conditions will be either eliminated or protected against;
- c) Encourage and ensure the redevelopment of the Project Area;
- d) Encourage and foster the economic revitalization of the Project Area, as necessary; and
- e) Provide and improve affordable housing.

SECTION 3. OVERRULING OF OBJECTIONS. All written and oral objections to the Amended Plan are hereby overruled.

SECTION 4. ADOPTION OF AMENDED PLAN. It is hereby found and determined that the Amended Plan is necessary and desirable. The Redevelopment Plan, all amendments and restatements of the Redevelopment Plan, and all ordinances adopting or previously amending the Redevelopment Plan are hereby amended in accordance with the Amended Plan.

The Amended Plan is hereby adopted and approved and the Redevelopment Plan, as amended by the Amended Plan, is designated as the official redevelopment plan for the Project Area. The Amended Plan, consisting of 30 pages and four exhibits, is incorporated in this Ordinance by reference and made a part of the Ordinance as if set out in full in the Ordinance. The Agency is vested with the continuing responsibility to implement the Redevelopment Plan, as amended by the Amended Plan.

SECTION 5. FILING. The City Clerk of the City of Sunnyvale is hereby directed to file a copy of the Amended Plan with the minutes of this meeting.

SECTION 6. RECORDATION. The Executive Director of the Agency is hereby directed to record the Amended Plan in compliance with the provisions of Health and Safety Code Section 33456 and Government Code Section 27295.

SECTION 7. SEVERABILITY. If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance or of the Amended Plan is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the Ordinance or the Amended Plan.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in an adjudicated newspaper of general circulation in the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2005, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2005, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney